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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 2008-145

13 **RICHARD HEATH**
10301 Greenwood Ave., #B202
14 Seattle, WA 98133
and/or
15 3119 El Paseo
Alameda, CA 94502

OAH No.

**STIPULATED SURRENDER AND
ORDER**

16 Registered Nurse License No. 595077

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18 Respondent.
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21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 referenced proceedings that the following matters are true:

23 **PARTIES**

- 24 1. Complainant Ruth Ann Terry, M.P.H., R.N., is the Executive Officer,
25 Board of Registered Nursing, the Department of Consumer Affairs (Board). She brought this
26 action solely in her official capacity and is represented in this matter by Edmund G. Brown, Jr.,
27 Attorney General of the State of California, by Deputy Attorney General Jessica M. Amgwerd.
28 2. Richard Alan Heath (Respondent) is not represented by counsel.

3. On February 22, 2002, the Board issued registered nurse license No. 595077 to Richard Heath. The license was in full force and effect at all times relevant to the charges brought herein and expired on November 30, 2005.

JURISDICTION

4. Accusation, No. 2008-145, was filed before the Board, and is currently pending against Respondent. The Accusation, together with all other statutorily required documents, was duly served on the Respondent on November 2, 2007 and Respondent filed a Notice of Defense contesting the Accusation. A copy of the Accusation is attached hereto as Exhibit A and is incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the nature of the charges alleged in the Accusation. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation, the right to be represented by counsel, at his own expense, the right to confront and cross-examine the witnesses against him, the right to present evidence and to testify on his own behalf and to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to reconsideration and court review of an adverse decision, and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits he violated Business and Professions Code § 2761(a)(4), when his Arizona registered nursing license was disciplined in 2003. Respondent agrees that cause exists for discipline and hereby surrenders his registered nurse license No. 595077 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the

1 Board to issue an order accepting the surrender of his registered nurse license without further
2 process.

3 **RESERVATION**

4 10. The admissions made by Respondent herein are only for the purposes of
5 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
6 professional licensing agency is involved, and shall not be admissible in any other criminal or
7 civil proceeding.

8 **CONTINGENCY**

9 11. This stipulation shall be subject to approval by the Board of Registered
10 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
11 Board may communicate directly with the Board regarding this stipulation and settlement,
12 without notice to or participation by Respondent. By signing the stipulation, Respondent
13 understands and agrees that he may not withdraw her agreement or seek to rescind the stipulation
14 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
15 as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
16 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
17 and the Board shall not be disqualified from further action by having considered this matter.

18 12. The parties agree that facsimile copies to this Stipulated Surrender of
19 License and Order, including facsimile signatures thereto, shall have the same force and effect as
20 original Stipulated Settlement and Disciplinary Order and signatures.

21 13. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Order:

24 **ORDER**

25 IT IS HEREBY ORDERED that vocational nurse license No. 595077, issued to
26 Respondent Richard Alan Heath is surrendered and accepted by the Board of Registered Nursing.

27 14. The surrender of Respondent's registered nursing license and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a
2 part of Respondent's license history with the Board.

3 15. Respondent shall cause to be delivered to the Board both his license wall
4 and pocket license certificate on or before the effective date of the Decision and Order.

5 17. Respondent fully understands and agrees that if he ever files an application
6 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
7 petition for reinstatement. Respondent must comply with all the laws, regulations and
8 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
9 of the charges and allegations contained in Accusation No. 2008-145 shall be deemed to be true,
10 correct, and admitted by Respondent when the Board determines whether to grant or deny the
11 petition.

12 18. Upon reinstatement of the license, Respondent shall pay to the Board costs
13 associated with its investigation and enforcement pursuant to Business and Professions Code
14 section 125.3 in the amount of One Thousand One Hundred Eleven Dollars and Seventy Five
15 Cents (\$1,111.75). Respondent shall be permitted to pay these costs in a payment plan approved
16 by the Board.

17 19. Should Respondent ever apply or reapply for a new license or certification,
18 or petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation, No. 2008-145 shall be
20 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
21 Issues or any other proceeding seeking to deny or restrict licensure.

22 20. Respondent shall not apply for licensure or petition for reinstatement for
23 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

24 ACCEPTANCE

25 I, Richard Allan Heath have carefully read the above Stipulated Surrender of
26 License and entered into this agreement freely and voluntarily with full knowledge of its force
27 and effect, do hereby surrender my registered nursing license to the Board of Registered Nursing
28 for its formal acceptance. By signing this Stipulated Surrender of License I recognize that upon

1. its formal acceptance by the Board I will lose all rights and privileges to practice as a registered
2 nurse in the State of California and I will also cause to be delivered to the Board both my license
3 and wallet certificate before the effective date of the decision.

4 I further agree that a facsimile copy of this Stipulated Surrender of License and
5 Order including facsimile copies of signatures, may be used with the same force and effect as the
6 originals.

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8 DATED: Dec. 26, 2007

Richard Alan Heath
RICHARD ALAN HEATH
License No. 595077

11 **Respondent**

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14 **ENDORSEMENT**

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16 The foregoing Surrender of license is respectfully submitted for consideration by
17 the Board of Registered Nursing of the Department of Consumer Affairs.

18 DATED: January 11, 2008

19 EDMUND G. BROWN, JR. Attorney General
20 of the State of California

21 By:

Jessica M. Amgwerd
JESSICA M. AMGWERD
Deputy Attorney General

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23 **Attorneys for Complainant**
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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-145

RICHARD HEATH

OAH NO.

10301 Greenwood Ave., #B202
Seattle, WA 98133

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

and/or

3119 El Paseo

Alameda, CA 94502

Registered Nurse License No. 595077

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License No. 595077 issued to Richard Alan Heath is hereby adopted by the Board of Registered Nursing of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on March 21, 2008.

It is so ORDERED March 21, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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Exhibit A
Accusation No. 2008-145

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JESSICA M. AMGWERD, State Bar No. 155757
Deputy Attorney General
4 California Department of Justice
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11 **STATE OF CALIFORNIA**

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13 RICHARD HEATH
10301 Greenwood Ave., #B202
14 Seattle, WA 98133
and/or
15 3119 El Paseo
Alameda, CA 94502

ACCUSATION

16 Registered Nurse License No. 595077

17 Respondent.
18

19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.
- 24 2. On or about February 22, 2002, the Board issued Registered Nurse License
25 Number 595077 to Richard Heath ("Respondent"). The registered nurse license expired on
26 November 30, 2005, and has not been renewed.
- 27 3. On March 17, 1981, the Arizona State Board of Nursing issued
28 Respondent a registered nursing license, No. RN045555.

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No. 0201114, alleging, *inter alia*, the following: (1) on May 2, 1994, Respondent was suspended for substandard patient care while working at Carondelet St. Mary's Hospital as a registered nurse in ICU; and (2) on January 8, 2002, while working at St. Mary's Hospital, in Tucson, Arizona, Respondent administered Phenergan intravenously without a doctor's order and failed to document this in the patient's chart.

9. Respondent failed to request a hearing on the Notice of Charges in the matter entitled, *In the Matter of Professional Nurse License No. RN045555 Issued to: Richard Alan Heath*, Case No. 0201114. Thus on July 23, 2003, the Arizona State Board of Nursing issued Findings of Fact, Conclusions of Law and Order revoking Respondent's Arizona Professional Nurse License, No. RN045555, which is attached hereto as **Exhibit A**. The Findings of Fact, Conclusions of Law and Order became effective on August 23, 2003.

10. On or about September 5, 2003, Respondent filed a Motion for Rehearing (attached hereto as **Exhibit B**). Respondent requested a review of the Findings of Fact, Conclusions of Law and Order in Case No. 0201114. Following oral arguments of counsel, the Arizona board of Nursing denied said motion.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 595077, issued to Richard Heath;

2. Ordering Richard Heath to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

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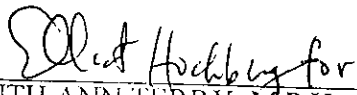
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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/25/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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